

REMARKS

Claims 1-20 are pending. Claims 1-20 were rejected. Claims 10-20 would be allowable if rejection of claim 10 under 35 USC 112 is overcome. Claims 1-9 are cancelled without prejudice, and claim 11 is amended. A Telephonic interview was held on 30 October 2007 and is made of record, where amendments were suggested and discussed which are believed to expedite the prosecution of the present application and are included herein.

Claims 1-20 were rejected under 35 USC 112, second paragraph, as being indefinite, with specific reference to lines 7-15 of claim 1 and lines 15-23 of claims 10, wherein the Examiner requested clarification. Specifically, the Examiner requested clarification of "selective operating parameters", "selective electrical signals in response thereto", "a first gate position initiation to a second position", "gate position duration", and "reception of data".

Claims 1-9 are cancelled without prejudice and claim 11 is amended to more clearly claim the present invention and to expedite the prosecution of the present application.

Applicant explicitly recites the "selective electrical signals in response thereto" in claim 11, as amended. Exemplary support is illustrated, e.g. for the claimed low battery indicators, listening devices, train sensors (page 7, lines 2-9), bump switches (page 10, line 16), leveling switch (page 12, line 6), electric eye (page 14, line 3), the exemplary discussion of "...a leveling switch which initiates extension when the gate arm become substantially

horizontal..." (page 12, lines 6-7), etc. and is not limited thereto. Regarding "reception of data", Applicant refers to exemplary teaching of "programming", "downloading", "install or modify the PLC program" (page 18, lines 17 - 21) which is clearly understood by one of skill in the art to includes "data" and thus also "reception of data". Applicant further argues that the above exemplary references do not limit the scope of the present invention. Applicant further incorporates arguments previously made. Applicant therefore believes that the rejection of remaining claims 11-20 under 35 USC 112, second paragraph, as being indefinite is overcome.

Also discussed in the Telephonic interview was the inclusion of the recitation that the control signal effects the extension and contraction of the gate extension, believed to be included in claim 11, lines 19-10, as presently amended.

The Examiner discussed the inclusion of a Terminal Disclaimer relative to co-pending patent application serial no. 10/891,746 filed 15 July 2004. However, as this postdates the filing of the present application, Applicant believes that a Terminal Disclaimer to a subsequently filed application would not be effectual.

Applicant, having amended the present invention and previously distinguished the claimed present invention over the cited art of record, believes that the objections and rejections to the present application are overcome. Applicant further requests that the Final status of the present application be withdrawn to expedite the present prosecution. Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to call the Applicant's undersigned attorney should he feel that such a call would further the prosecution of the present application.

Respectfully submitted,
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